IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23216 of 2004

Between:

Cosmopolitan Club rep by its Secretary S.Narayana
R/o.13-1666-12, Guntakal,
Anantapur Dist.

..... PETITIONER

AND

1 The Deputy Superintendent of Police
Guntakal, Anantapur Dist.
2 The Circle Inspector of Police(Urban)
Guntakal Town, Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents in interfering with the lawful activities of the petitioner club, including of rummy game of 13 cards, which is not a game of chance, in the card room of the petitioner club premises as being illegal, arbitrary and without jurisdiction and consequently direct the respondents not to interfere with the day to day activities of the petitioner club, and to pass such other order or orders.

Counsel for the Petitioner:MR,KUNCHEAMMAHESWARA RAO

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in *State of A.P. v. K. Satyanarayana*, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they

are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. No order as to costs.

15.12.2004

Note:

Issue CC in two days.

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To

1 The Deputy Superintendent of Police
Guntakal, Anantapur Dist.
2 The Circle Inspector of Police(Urban)
Guntakal Town, Anantapur Dist.

3 Two CCs. to the G.P. for Home, High Court of A.P., Hydeabad (OUT)

4 Two CD copies.